

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

DEMETRIUS BROWN,)	
Plaintiff,)	
)	
)	
v.)	Civil No. 04-379E
)	
U.S. JUSTICE DEPARTMENT,)	Judge McLaughlin
BUREAU OF PRISONS, FCI MCKEAN)	Magistrate Judge Baxter
WARDEN JOHN J. LAMANNA, REGIONAL)	
DIRECTOR D. SCOTT DODRILL,)	
MEDICAL DIRECTOR, DIRECTOR HARLEY)	
G. LAPPIN,)	
Defendants.)	

MOTION FOR DEFAULT JUDGMENT

COMES NOW, DEMETRIUS BROWN, herein as Plaintiff, proceeding Pro-Se, hereby respectfully moves this Honorable Court, the United States District Court for the Western District of Pennsylvania, Erie Division, pursuant to Federal Rules of Civil Procedure, Rule 55 for Default Judgment upon the Defendants United States Justice Department, the Bureau of Prisons, FCI MCKean WARDEN JOHN J. LAMANNA, REGIONAL DIRECTOR D. SCOTT DODRILL, MEDICAL DIRECTOR AND DIRECTOR HARLEY G. LAPPIN. In support, Plaintiff affirms the following, that:

1. Process/Summons dated for August 30, 2005 and was given to United States Marshals for service, mailed September 14, 2005 to Defendants with directions for an answer to complaint within sixty (60) days after service of summons.

2. Defendants' have acknowledged service being effectuated on September 19, 2005 and that Defendants' responsive pleading

or dispositive motion is currently due on November 18, 2005.

3. Nevertheless, on October 18, 2005, Process/Summons returned to U.S. Marshals with legal evidence of service as to Defendant D. SCOTT DODRILL. But, however, on October 20, 2005, Process/Summons returned to Court unexecuted- no response to waiver by mail as to Defendants UNITED STATES JUSTICE DEPARTMENT, BUREAU OF PRISONS, HARLEY G. LAPPIN, UNITED STATES ATTORNEY AND UNITED STATES ATTORNEY GENERAL.

4. On October 26, 2005, due to Notice of Inability of Effectuate Service by the U.S. Marshals, the Court ordered that the U.S. Marshals make personal service of documents upon Defendants UNITED STATES JUSTICE DEPARTMENT, BUREAU OF PRISONS, HARLEY G. LAPPIN, UNITED STATES ATTORNEY GENERAL.

5. And, upon Plaintiff's Motion to Amend/Correct, the Court ordered that the U.S. Marshals service Process/Summons upon Defendants JOHN J. LAMANNA, and MEDICAL DIRECTOR - KENDIG. The U.S. Marshals were in addition ordered to mail copies of documents to the U.S. Attorneys Office and U.S. Attorney General.

6. As of November 18, 2005, the Defendants' as noticed with Process/Summons upon the failure to make an answer to Plaintiff's Complaint within sixty (60) days after service of summons upon them, exclusive of the day of service, have now defaulted.

7. The penalty for Defendant's failure to answer Complaint is that default will be taken against them for the relief demanded

in the complaint.

WHEREFORE, due to Defendants' failure to answer Plaintiff's Complaint within sixty (60) days, Plaintiff respectfully request this Court GRANT him Judgment by Default.

Respectfully submitted,

Dated: 11/22/05

Demetrius Brown
Demetrius Brown
Reg. No. 21534-039
FCI RayBrook
P.O. Box 9001
RayBrook, NY. 12977

AFFIRMATION

I, DEMETRIUS BROWN, hereby affirm and declare under penalty of perjury, 28 U.S.C. §1746, that the foregoing Motion for Default Judgment is true and correct.

11/22/05
Dated

Demetrius Brown
/s/

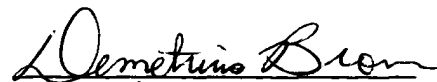
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PROOF OF SERVICE

I, DEMETRIUS BROWN, hereby affirm and declare under penalty of perjury, 28 U.S.C. §1746, that the Plaintiff's Opposition to Defendants' Motion to Extend Time for Filing a Responsive Pleading and/or Dispositive Motion, and Plaintiff's Motion for Default Judgment was served first-class postage on the 22nd day of November, 2005 by depositing into FCI RayBrook's internal mail system destined upon the following:

MEGAN FARRELL
Assistant U.S. Attorney
Western District of Pennsylvania
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Counsel for Defendants


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